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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10-042,350	01/11/2002	Denis Cotteville	Q68000	6289

7590 02/19/2003

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EXAMINER

MOORE, MARGARET G

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 02/19/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,350

Applicant(s)

COTTEVILLE ET AL.

Examiner

Margaret G Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 to 8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 to 3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Zama et al.

Zama et al. teach silicone based composite rubber compositions. The compositions contain a silicone rubber and an organic rubber, a silicon compound having hydrolysable or hydroxyl groups and a compound such as an amine to catalyst the reaction of the silicon compounds. Note for instance examples 7 and 9, starting on column 13.

Example 7 contains a silicone rubber and a chlorosulfonated polyethylene, which meets the claimed copolymer of ethylene in claim 2. The composition of example 7 contains a partially hydrolyzed condensate of ethyl silicate, i.e. a hydroxyl containing silicone, and stearic acid, which meets the claimed carboxylic second functional group. The magnesium oxide in this example meets the claimed filler of claims 5 and 6.

Example 9 contains an ethylene-propylene rubber (meeting the polymeric material limitations of claim 2) and a silicone rubber. In addition this composition contains the

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silicon compound (iii) having hydroxyl groups (see Example 9 detailed in column 13) and both an amine compound and stearic acid. The carbon black in Example 9 meets claims 5 and 6. In this manner each of the claimed limitations are met by Zama et al.

For the record the Examiner also notes that column 8 teaches various crosslinking agents such as diols, polyols, dicarboxylic acid and polyamines. These also meet the claimed second coupling agent.

4. Claims 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zama et al.

Zama et al. do not specifically show a composition meeting the claimed amounts of claim 4. However note column 2, lines 20 to 30, which teach that the silicone:rubber weight ratio can be from 70:30. Such a ratio falls within the amounts of claim 4, thereby rendering a composition having such weight amounts obvious.

With regards to claims 7 and 8, the Examiner notes that the fact that the rubber composition in Zama et al. can be used as an outer or inner layer for a rubber hose suggests it's ability to be used as a layer in a cable. In addition since a power accessory is inclusive of many different materials, the oil seals and hoses in Zama et al. would have rendered obvious such a use for the rubber compositions thereof.

5. Claims 1, 3, 5, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Brewer et al.

Brewer et al. teach a composition based on a silicone rubber and containing a polyamide. This polyamide results in a composition having improved tensile strength and/or elongation, indicating that it has resistance to tearing. See for instance column 4, lines 45 to 60. Starting on column 7, line 45, Brewer et al. teach various compatibilizing agents which include hydroxyl and amine siloxanes. See for instance Compatibilizer 13 and 14 in the working examples. Sample A33 on column 21 uses Compatibilizer 14. The silicone base in this example (base 1) contains a hydroxyl terminated siloxane. This meets the limitations of claims 1 and 3. The compositions contains silica which meets

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claim 5. Column 14 teaches cable insulation and various uses for the composition that meet claims 7 and 8.

6. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer et al.

Regarding claim 3, note that the silicone base to polyamide resin ratio can be from 85:15 (see the abstract). This renders obvious the weight ratio in claim 3. Also, with regards to claim 6, note column 12, lines 25 to 35, which teaches the addition of various flame retardants and heat stabilizers.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret G. Moore whose telephone number is 703-308-4334. The examiner can normally be reached on Mon., Wed., Thurs. and Friday, 10am to 4pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on 703-308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9311 for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Margaret G. Moore
Primary Examiner
Art Unit 1712

mgm
February 11, 2003